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Attorneys for Plaintiff
 CHRISTINE DOUGHERTY

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE DOUGHERTY,

Plaintiff,

v.

AMCO INSURANCE COMPANY
 and DOES ONE through TWENTY,
 Inclusive,

Defendants.

NO. C 07-01140 MHP

**DECLARATION OF JEREMY A.
 GRAHAM IN SUPPORT OF MOTION TO
 ENLARGE TIME SO THAT MOTION FOR
 SUMMARY ADJUDICATION MAY BE
 CONSIDERED AS TIMELY**

Judge: Hon. Marilyn Hall Patel
 Dept.: 15

I, JEREMY A. GRAHAM, do declare under penalty of perjury as follows:

1. I am an attorney admitted to practice law in the State of California and in
 the Northern District of California, and am one of the attorneys of record for the
 Plaintiff in the above-referenced matter.

2. Attached as Exhibit A is a true and correct copy of a letter from defense counsel Julian J. Pardini to plaintiff's counsel Stephen M. Murphy, dated April 30, 2008, in which defendant asks plaintiff to withdraw her motion for summary adjudication as untimely.

3. Attached as Exhibit B is a true and correct copy of a letter from plaintiff's counsel Jeremy A. Graham to defense counsel Julian J. Pardini, dated April 30, 2008, in which Plaintiff requests that defendant stipulate to the Court to accepting her motion for summary adjudication as timely.

4. I am employed by Stephen M. Murphy as an associate in his law offices. On April 30, 2008 at approximately 4:30 p.m., I received by facsimile copy of Mr. Pardini's letter attached hereto as Exhibit A. Enclosed with this letter was copy of the Court's order dated February 26, 2008, which was filed as Document No. 44 on February 28, 2008. In response, on May 1, 2008, at approximately 5:30 p.m., I sent to Mr. Pardini by facsimile the letter attached hereto as Exhibit B. This letter requested a response from defense counsel by May 2, 2008, at 5:00 p.m. As of 12:00 p.m. on May 5, 2008, I had received no such response.

I make this declaration of my own personal knowledge. I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 5th day of May, 2008 at San Francisco, California.

/s/ Jeremy A. Graham
JEREMY A. GRAHAM

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, STEPHEN M. MURPHY, hereby declare as follows:

I am one of the attorneys of record for Plaintiff Christine Dougherty in this action and am duly licensed to practice law in the State of California and in the U.S. District Court for the Northern District of California.

I hereby attest that concurrence from attorney and declarant Jeremy A. Graham has been obtained in the filing of this Declaration.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct and, if called as a witness, I could testify competently thereto.

Executed at San Francisco, California, this 5th day of May, 2008.

/s/ Stephen M. Murphy
STEPHEN M. MURPHY

EXHIBIT A
to Declaration of
Jeremy A. Graham

LEWIS BRISBOIS BISGAARD & SMITH LLP

ATTORNEYS AT LAW

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JULIAN J. PARDINI
DIRECT DIAL: 415.262.8506
E-MAIL: pardini@lbbslaw.com

April 30, 2008

FILE NO.
26198-131

Via U.S. Mail & Facsimile Transmission

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David M. Porter, Esq.
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Re: *Christine Dougherty v. AMCO Insurance Company*
U.S. District Court, Northern District of California Case No. C 07 1140 WDB
(removed from San Francisco County Superior Court, Case No. C04-433301)

Dear Counsel:

We received notice of your filing with the court yesterday a Motion for Summary Adjudication, along with related documents. We believe this motion was not timely filed and therefore should immediately be withdrawn.

We attach/enclose with this letter a copy of the fully executed and filed Stipulation and Order Re Extending Deadline for Completing Limited Discovery Prior to Motion for Summary Judgment, which provides as follows:

3. The deadline for filing motions for summary judgment is set for March 24, 2008.

This stipulation is signed by counsel in mid-February and by Judge Marilyn H. Patel on February 26, 2008. Because your Motion for Summary Adjudication was not filed until yesterday, April 29, 2008, it was not filed within the agreed and ordered deadline and should be withdrawn. Please advise us at your earliest opportunity that you agree to withdraw the motion as it is violative of the Court's order.

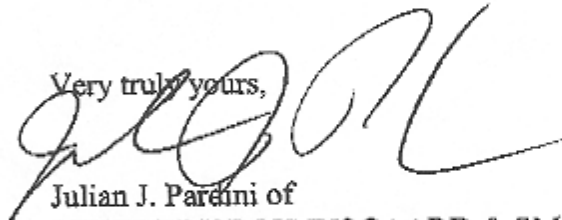
CHICAGO | FORT LAUDERDALE | LAFAYETTE | LAS VEGAS | LOS ANGELES | NEW ORLEANS | NEW YORK
ORANGE COUNTY | PHOENIX | SACRAMENTO | SAN BERNARDINO | SAN DIEGO | SAN FRANCISCO | TUCSON

LEWIS BRISBOIS BISGAARD & SMITH LLP

David M. Porter
Stephen M. Murphy
April 30, 2008
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Thank you for your immediate attention to the above.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Julian J. Pardini', is written over the typed name.

Julian J. Pardini of
LEWIS BRISBOIS BISGAARD & SMITH LLP

Attachment/Enclosure
JJP:kdk

cc: Stephen Liberatore

EXHIBIT B
to Declaration of
Jeremy A. Graham

LAW OFFICES OF STEPHEN M. MURPHY

May 1, 2008

VIA FAX AND FIRST CLASS MAIL

Julian J. Pardini, Esq.
Lewis Brisbois Bisgaard & Smith LLP
One Sansome Street, Suite 1400
San Francisco, CA 94104

Re: *Christine Dougherty v. AMCO Insurance Company*
U.S. District Court, Northern California Case No. C07-01140 MHP

Dear Mr. Pardini:

This is in response to your letter dated April 30, 2008 regarding our Motion for Summary Adjudication. You are correct that the Court's Order extending the deadline for limited discovery states that "the deadline for filing motions for summary judgment is set for March 24, 2008." (Document No. 44, filed on Feb. 28, 2008.)

Please let me know by 5:00 p.m. on Friday, May 2, 2008, whether defendant is willing to stipulate that plaintiff's motion should be considered as timely. Absent such a stipulation, plaintiff will file a Motion to Enlarge Time pursuant to Civil Local Rule 6-3.

As you are aware, the Court's orders setting forth deadlines for limited discovery and for the filing of motions for summary judgment were in response to defendant's attempt to file a motion for summary judgment prior to the initial case management conference.

Judge Patel's Pretrial Minute Order dated July 9, 2007, states that the "pending motion for summary judgment not to be heard at this time." (Document No. 28, filed on July 10, 2007.) The only pending motion at that time was defendant's motion.

Judge Patel's further Pretrial Minute Order dated November 5, 2007, states that "defendant may file summary judgment motions (3/10/2008)." (Document No. 34, filed on Nov. 6, 2007.)

On January 24, 2008, Judge Patel entered an Order Re Motion memorializing her prior minute orders. The Order states that "summary judgment motions shall be filed on or before March 10, 2008." (Document No. 38, filed on Jan. 25, 2008.) Defendant's motion for summary judgment was deemed withdrawn. (*Id.*)

Julian J. Pardini, Esq.
Re: *Dougherty v. AMCO*
May 1, 2008

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A subsequent order extending the time to complete discovery was signed by the Court on February 21, 2008 pursuant to stipulation. (Document No. 41, filed on Feb. 22, 2008.) That Order stated that "the date by which the parties shall file summary judgment motions remains March 10, 2008." (*Id.*)

The most recent order of the Court on this issue was signed on February 26, 2008 and is quoted in the first paragraph of this letter, above.

Given the history of the Court's orders, it is clear that the primary object of the time limitations was defendant's motion for summary judgment. Once defendant's motion was timely filed, the purpose of the limitations was served.

Nonetheless, because the Order remains in place and, on its face, applies equally to both parties, you are correct that plaintiff should have sought leave from the Court prior to filing her motion for summary adjudication. Because this was not done, plaintiff intends to ask the Court to retroactively accept plaintiff's motion as timely, or, alternatively, to give plaintiff leave to re-file her motion at the earliest possible date.

As I indicated above, please let me by 5:00 p.m. on Friday, May 2, 2008, whether defendant is willing to stipulate to such a request. If defendant will not so stipulate, please let me know, in detail, any way in which defendant will be prejudiced should the Court grant plaintiff's request.

Very truly yours,



JEREMY A. GRAHAM

JAG:jag
cc: David M. Porter, Esq. (via FAX)